

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-218361

DATE: March 27, 1985

MATTER OF: Zagata Fabricators, Inc.

DIGEST:

Protest that competitor's bid may be mistaken because it seems too low is dismissed since only the contracting parties may assert rights and bring forth all necessary evidence to resolve mistake in bid questions. Moreover, submission of bid considered by another firm as too low does not constitute a legal basis for precluding award.

Zagata Fabricators, Inc. (Zagata), protests the proposed award of a contract to Alfab, Inc. (Alfab), the low bidder, under invitation for bids (IFB) No. N60921-85-B-0074 issued by the Naval Surface Weapons Center.

Zagata believes that Alfab made a mistake in its bid because its price for certain items is much too low and not in line with other bidders' prices for the same items. Zagata thus contends that the contracting officer improperly failed to obtain verification of Alfab's price and argues that Alfab should be prevented from increasing its price during the contract performance through change orders.

We dismiss the protest for failure to state a valid basis for protest under section 21.3(f) of our Bid Protest Regulations. 49 Fed. Reg. 49,417, 49,421 (1984) (to be codified at 4 C.F.R. § 21.3(f)).

We have consistently held that only the contracting parties--the government and the firm in line for award--are in a position to assert rights and bring forth all necessary evidence to resolve mistake in bid questions. Riverport Industries, Inc., B-218122, Feb. 14, 1985, 64 Comp. Gen. ___, 85-1 C.P.D. ¶ 201; Bill Conklin Associates, Inc., B-210927, Aug. 8, 1983, 83-2 C.P.D. ¶ 177. Moreover, consideration of a protest such as this, in effect, would necessitate that we judge whether the low bid appears unreasonably low and, if it does, whether the government

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must reject it. We have held, however, that the submission of a bid considered by a competitor as too low does not constitute a legal basis for precluding award. Riverport Industries, Inc., B-218122, supra.

A handwritten signature in black ink, appearing to read 'R. Strong', is written over the printed name.

Robert M. Strong
Deputy Associate General Counsel